

FILED

JUL 27 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIC J. MONTGOMERY,

Defendant - Appellant.

No. 05-10630

D.C. No. CR-04-5160-AWI

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted July 24, 2006^{**}

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges

Eric J. Montgomery appeals the district court's order affirming the magistrate judge's denial of his motion to suppress evidence seized after he was stopped at an information station operated by the Bureau of Land Management in

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

the Paradise Recreation Area. Montgomery contends that his Fourth Amendment rights were violated because the primary purpose of the information station was to address criminal wrongdoing, and because the gravity of the public concerns served by the stops at the station and the degree to which the stops advanced the public interest did not outweigh the severity of the interference with individual liberty. These contentions are foreclosed by *United States v. Faulkner*, 450 F.3d 466 (9th Cir. 2006).

AFFIRMED.